

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH

JUDGMENT

Damodar Prasad Gupta Vs. Rajasthan Housing Board & Another
(D.B. Civil Special Appeal (Writ) No.279/1995)

D. B. Civil Special Appeal under Sec.18 of the Rajasthan
High Court Ordinance against the order dated 24-2-1995 in
SB Civil Writ Petition No.645/1981.

Date of Judgment:

January 17, 2007.

PRESENT

HON'BLE MR. JUSTICE SHIV KUMAR SHARMA
HON'BLE MR. JUSTICE R.S.CHAUHAN

Mr. Vijay Singh, for the appellant.

Mr. R.S.Rathore, for respondents.

BY THE COURT: (Oral)

Challenge in the instant appeal is to the order dated February 24, 1995 whereby the writ petition of appellant was dismissed by learned Single Judge, however it was directed that the amount of 25% deposited by appellant, if not already refunded, shall be refunded with interest at the rate of 12% per annum from the date of deposit till the date of refund.

2. Contextual facts of the case are that son of the appellant Sushil Kumar Thakariya, a physically handicapped person, participated in the auction proceeding of shops which were constructed in the year 1978. A sum of Rs.500/- was deposited as earnest money and the reserve price of the shop was Rs.10,000/-. The bid of the appellant was of Rs.17,200/- which was highest, and one fourth amount Rs.4300/- was deposited by appellant. Thereafter vide letter received on February 23, 1991 the auction conducted

on September 14, 1979 was cancelled and the appellant was advised to take refund of the deposit by submitting original receipt. When the shops in question were to be re-auctioned vide advertisement dated April 18, 1981, the son of appellant filed the writ petition under Article 226 of the Constitution with the prayer that the shop No.4/7 situated at Incidental Shopping Centre, Jawahar Nagar Jaipur, in which the appellant was highest bidder be not sold.

3. We have heard learned counsel for the parties.

4. Having scanned the material on record, we notice that the appellant had not deposited 3/4th amount of the bid therefore no right accrued in his favour. In accordance with the terms of auction it was made clear that the Chairman had absolute right to reject even the highest bid and as such the decision cannot be said to be arbitrary. Learned Single Judge in its detailed order had properly considered factual and legal submissions. We find no infirmity in the impugned order of the learned Single Judge.

5. For the reasons mentioned above, we find no merit in the instant appeal. The same stands dismissed without any order as to costs.

(R.S.Chauhan),J.

(Shiv Kumar Sharma)J.

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